

COPY

FILED  
IN CLERKS OFFICE  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

Dolores Balistreri, et al.

Plaintiffs, )

v. )

Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.

Defendants. )

CIVIL ACTION  
NO. \_\_\_\_\_

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN  
DIET DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* -- Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 24<sup>th</sup> day of May 2004.

/s/ Janice W. Howe  
William A. McCormack BBO #329580  
Janice W. Howe BBO #242190  
David Yamin BBO #562216  
Bingham McCutchen LLP  
150 Federal Street  
Boston, MA 02110  
(617) 951-8000  
*Counsel for Defendants Wyeth and  
Wyeth Pharmaceuticals, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the within and foregoing document upon all parties to the above-captioned action by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

Edward J. Barshak (BBO No. 032040)  
Michael S. Appel (BBO No. 543898)  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street, 9th Floor  
Boston, MA 02114

John R. Oldham  
Faddis, Oldham & Smith, P.A.  
2709 W. Fairbank Avenue, Suite 200  
Winter Park, FL 32789

*Counsel for Plaintiff*

Matthew J. Matule (BBO #632075)  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street  
Boston, Massachusetts 02108

*Counsel for Defendants Indevus Pharmaceuticals, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc.*

This 24<sup>th</sup> day of May, 2004.

/s/ Janice W. Howe

Janice W. Howe

*Counsel for Defendants Wyeth  
and Wyeth Pharmaceuticals, Inc.*